



4B

**ITEM FOR ENVIRONMENTAL BOARD AGENDA**

**BOARD MEETING** September 3, 2014  
**DATE REQUESTED:**

**NAME & NUMBER** CONCORDIA UNIVERSITY TEXAS  
**OF PROJECT:** SP-2013-0476C

**NAME OF APPLICANT** Kimley-Horn and Associates  
**OR ORGANIZATION:** (Contact: Robert Smith 512-418-4517)

**LOCATION:** 11400 CONCORDIA UNIVERSITY DR

**PROJECT FILING DATE:** DECEMBER 13, 2013

**WPDR/ENVIRONMENTAL** Jim Dymkowski, 974-2707  
**STAFF:** james.dymkowski@austintexas.gov

**WPDR/** Donna Galati, 974-2733  
**CASE MANAGER:** donna.galati@austintexas.gov

**WATERSHED:** Bull Creek Watershed (Water Supply Suburban)  
Drinking Water Protection Zone

**ORDINANCE:** Lake Austin Watershed Ordinance (840301-F)

**REQUEST:** Variance request is as follows:  
1. To allow cut greater than 4 feet not to exceed 9.25 feet  
Lake Austin Watershed Ordinance Section 9-10-409(B)  
2. To allow fill greater than 4 feet not to exceed 14.85 feet  
Lake Austin Watershed Ordinance Section 9-10-409(A)

**STAFF RECOMMENDATION:** Approved with condition.

**REASONS FOR RECOMMENDATION:** Findings of fact have been met.



## MEMORANDUM

**TO:** Mary Gay Maxwell, Chairperson and Members of the Environmental Board

**FROM:** Jim Dymkowski, Environmental Review Specialist Senior  
Planning and Development Review Department

**DATE:** September 3, 2014

**SUBJECT:** Concordia University Texas – SP-2013-0476C

On the September 3<sup>rd</sup> agenda is a request for the consideration of two variances from the Lake Austin Watershed Ordinance (840301-F), Section 9-10-409(a) - To allow fill greater than 4 feet not to exceed 14.85 feet. and to Section 9-10-409(b) - To allow cut greater than 4 feet not to exceed 9.25 feet.

### **Description of Property**

The subject property is located in the Bull Creek Watershed, which is classified as Water Supply Suburban within the Drinking Water Protection Zone. It is over the North Edwards Aquifer Recharge Zone. It is within the City of Austin full purpose jurisdiction. There is a minor classified unnamed tributary of Bull Creek on-site. The main stem of Bull Creek is approximately 2 miles from the limits of construction.

### **Existing Topography/Soil Characteristics/Vegetation**

The property contains slopes greater than 15% with some areas reaching 35% but these are only located along the minor tributary and lie within both the waterway setbacks and endangered species buffer land onsite. Grade slopes from west to east across the site toward the minor waterway. Vegetation generally consists of an over story of Live oak, Texas Red oak, and Ashe juniper and an understory of Texas persimmon and Sumac. Groundcovers consist of twisted leaf yucca, and other native grasses and forbs. Soils consist of Brackett soils and Rock outcrop.

### **Critical Environmental Features/Endangered Species**

There five CEFs on-site. They consist of two rimrock sections, one seep, and two springs. One of the springs is a Jollyville Salamander occupied spring. All of the CEFs are located adjacent to the east side of the project either within classified waterway buffers or have had the code required 150 foot buffer placed on them to minimize impacts by the proposed development. The entire 383 acre Concordia property falls within the BCCP (Balcones Canyonlands Conservation Plan) area and of this overall acreage approximate 250 acre of the property is dedicated as preserve land.

### **Description of Project**

The project proposes the construction of a softball facility, an athletic building in phase 2, private drives/parking, and water quality and detention facilities. The project is not subject to the current

Watershed Protection ordinance or the Tree Protection ordinance as is it falls within the amended Schlumberger Planned Development Area (PDA) and is subject to those code modifications as listed in the zoning ordinance. Per this document, 20070215-042 and the PDA land use plan the allowable impervious cover is 50% of the gross site area on the slope category of under 15% and is based on the entire PDA land area. There is no construction allowed on slopes greater than 15%. Projects are to be reviewed otherwise under the Lake Austin ordinance 840301-F, the landscape code in Chapter 12-2A, and the Tree protection ordinance 830324-N (Trees 19 inches and greater are protected and removal may require mitigation). These were the ordinances and code in affect in 1985 when the original PDA was signed. The associated findings of fact for this variance are also subject to review based on the findings in the Lake Austin ordinance.

The comparison of proposed impervious cover to what is allowed per the PDA code modifications is as follows; the project proposes two phases totaling approximately 6.26 acres (272,677 square feet) of new impervious cover on the 0-15 % slopes. Including the existing impervious cover within the PDA area the new overall impervious cover will be 29.93 acres (1,303,847 square feet) or 9.45% of the overall 50% that is allowed.

The two variance requests are necessary to allow the project to develop in conjunction with the existing natural and man-made grade associated with the existing adjacent baseball field and to provide safe vehicle and pedestrian access within the parking lot, access drive, and around the phase 2 athletic building. To allow for construction of the sports field to NCAA standards and to allow the southern water quality and detention pond to achieve the volume needed while minimizing the area of overall disturbance.

#### **Environmental Code Variance Request**

The following variances to the land development code are being requested:

1. To allow cut greater than 4 feet not to exceed 9.25 feet. Lake Austin Watershed Ordinance (840301-F), Section 9-10-409(b)
2. To allow fill greater than 4 feet not to exceed 14.85 feet. Lake Austin Watershed Ordinance (840301-F), Section 9-10-409(a)

#### **Conditions for Staff Approval**

1. Provide additional water quality treatment for runoff from the artificial turf softball field and surround facility through a bio-filtration pond where only a standard sediment filtration pond is required by code.

#### **Recommendation**

Staff recommends approval of the variance with one condition as the Findings of Fact have been met (see attached)

#### **Similar Cases**

The following project had similar construction issues and received recommendations from the Environmental Board that were subsequently approved by the Zoning and Platting Commission on April 15, 2008 with no conditions:

**Concordia University Campus – SP-2007-0231C (R1) – To allow cut up to 5.8 feet and fill up to 17.5 feet.**



**Planning and Development Review Department  
Staff Recommendations Concerning Required Findings  
Water Quality Variances**

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**Project:** Concordia University Texas – SP-2013-0476C  
**Ordinance Standard:** Lake Austin Watershed Ordinance (840301-F), Section 9-10-409(a)  
**Variance Request:** To allow fill greater than 4 feet not to exceed 14.85 feet.

**Findings:**

A. Land Use Commission variance determinations from Sec. 9-10-409 (a) of the Lake Austin Ordinance: According to Section 9-10-377 (a) of the Lake Austin Ordinance, “Variances...may be granted by the Planning Commission only if it is found that:”

1. Are there special circumstances applicable to the property involved where strict application deprives such property owner of privileges or safety enjoyed by other similarly situated property with similarly timed development? **YES**

**In 2008, a variance for cut and fill greater than 4 feet was approved associated with the existing baseball field by the Zoning and Plating Commission. The sites topography along with the university only being able to complete the baseball field and not both facilities at once has left a large fill area adjacent to this proposed project. This request will allow the project to safely connect to existing grade and also provide safe vehicle access within the parking lot and access drive and around the phase 2 athletic building. The other area of fill greater than four feet is along the berm of the southern detention pond. Under current code this would qualify for an administrative variance as it is the minimum departure necessary to allow for the required volume of the pond to be achieved with the least amount of site disturbance. The Lake Austin Ordinance did not allow for this type of administrative variance.**

2. Does the project demonstrate minimum departures from the terms of the ordinance necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences? **YES**

**The affected area has been limited to the greatest extent feasible to allow for development in accordance with the approved PDA land use. To allow the construction of the field to meet the requirements set for by the NCAA including, to all safe pedestrian and vehicular access to the phase 2 athletic building, and to allow for the construction of the southern water quality/detention facility while minimizing the amount of site disturbance.**

3. The proposal does not provide special privileges not enjoyed by other similarly situated properties with similarly timed development, and is not based on a special or unique condition which was created as a result of the method by which a person voluntarily subdivided land after October 20, 1983. **YES**

**The proposal does not provide special privileges not enjoyed by similarly situated properties and is not based on a condition created as a result of the way the land has been subdivided. A variance for fill greater than 4 feet has previously been granted to the overall development in the PDA area in 2007 and this request is not a result of how the property has been subdivided since 1983.**

**\*\*Variance approval requires all above affirmative findings.**

Environmental Reviewer:

  
Jim Dymkowski

Environmental Program Coordinator:

  
Sue Barnett

Environmental Officer:

  
Chuck Lesniak

Date: August 25, 2014

***Staff may recommend approval of a variance after answering all applicable determinations in the affirmative (YES).***



**Planning and Development Review Department  
Staff Recommendations Concerning Required Findings  
Water Quality Variances**

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**Project:** Concordia University Texas – SP-2013-0476C  
**Ordinance Standard:** Lake Austin Watershed Ordinance (840301-F), Section 9-10-409(b)  
**Variance Request:** To allow cut greater than 4 feet not to exceed 9.25 feet.

**Findings:**

A. Land Use Commission variance determinations from Sec. 9-10-409 (b) of the Lake Austin Ordinance: According to Section 9-10-377 (a) of the Lake Austin Ordinance, "Variances...may be granted by the Planning Commission only if it is found that:

1. Are there special circumstances applicable to the property involved where strict application deprives such property owner of privileges or safety enjoyed by other similarly situated property with similarly timed development? **YES**

**In 2008, a variance for cut and fill greater than 4 feet was approved by the Zoning and Plating Commission. This request will allow the project to blend into the existing grade on the west side of the proposed field providing at grade access for pedestrians while not requiring additional fill to level the playing field. The other area of cut greater than four feet is within the water quality and detention at the southern end of the limits of construction. Under current code this would qualify for an administrative variance as it is the minimum departure necessary to allow for the required volume of the pond to be achieved with the least amount of site disturbance. The Lake Austin Ordinance did not allow for this type of administrative variance.**

2. Does the project demonstrate minimum departures from the terms of the ordinance necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences? **YES**

**The affected area has been limited to the greatest extent feasible to allow for development in accordance with the approved PDA land use. To allow the construction of the field to the requirements set forth by the NCAA including safe pedestrian and vehicular access along with the construction of the water quality and detention facilities with the least amount of site disturbance.**

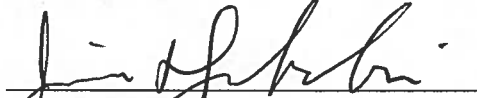
3. The proposal does not provide special privileges not enjoyed by other similarly situated properties with similarly timed development, and is not based on a special or unique condition which was created as a result of the method by which a person voluntarily subdivided land after October 20, 1983. **YES**

**The proposal does not provide special privileges not enjoyed by similarly situated properties and is not based on a condition created as a result of the way the land has been subdivided. A variance**

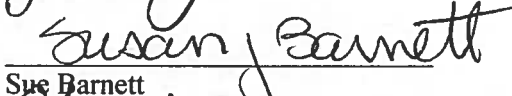
for cut greater than 4 feet has previously been granted to the overall development in the PDA area in 2007 and this request is not a result of how the property has been subdivided since 1983.

**\*\*Variance approval requires all above affirmative findings.**

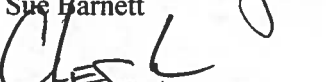
Environmental Reviewer:

  
Jim Dymkowski

Environmental Program Coordinator:

  
Sue Barnett

Environmental Officer:

  
Chuck Lesniak

Date: August 25, 2014

*Staff may recommend approval of a variance after answering all applicable determinations in the affirmative (YES).*

Concordia University Texas  
SP-2013-0476C  
Driving Directions

Beginning at Austin City Hall 301 W 2<sup>nd</sup> Street:

Head west on W 2nd St toward Lavaca St 423 ft. / 33 s

Take TX-1 Loop N and Ranch to Market 2222 W to Concordia University Drive in Austin 16.0 mi

Turn left onto Guadalupe St 358 ft.

Take the 1st right onto W Cesar Chavez St 1.2 mi

Keep right at the fork, follow signs for TX-1 Loop N and merge onto TX-1 Loop N 4.2 mi

Take the RM 2222/Northland Drive exit 0.2 mi

Turn left onto Northland Drive 0.3 mi

Slight right onto Ranch to Market 2222 W 8.5 mi

Turn right onto Ranch Rd 620 N 1.4 mi

Turn right onto Concordia University Drive

*Destination will be on the right*